

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

MONSANTO COMPANY and )  
MONSANTO TECHNOLOGY LLC, )  
                              )  
Plaintiffs,                )  
                              )     Case No. 4:09-cv-00686-ERW  
vs.                        )  
                              )  
E.I. DU PONT DE NEMOURS AND )  
COMPANY and                )  
PIONEER HI-BRED INTERNATIONAL, )  
INC.,                      )  
                              )  
Defendants.                )

**MOTION FOR LEAVE TO FILE MONSANTO'S  
STATEMENT REGARDING THE ESI STIPULATION AND  
CERTAIN ATTACHMENTS UNDER SEAL**

Plaintiffs, Monsanto Company and Monsanto Technology LLC (collectively "Monsanto"), respectfully move the Court for an order allowing Monsanto to file Monsanto's Response to Defendants' Memorandum Regarding the ESI Stipulation ("Monsanto's Response"), consisting of 17 pages, and for leave to file a complete, unredacted copy of Monsanto's Response and certain attachments, under seal. As grounds for this relief, Monsanto states:

1. During the previous hearing on Defendants' Second Motion to Compel, the court requested the parties to file supplemental briefs regarding the parties' positions with respect to the ESI Stipulation. The extra pages in Monsanto's Response are required to adequately address the issues raised in Defendants' Memorandum Regarding the ESI Stipulation.

2. This Court has previously allowed the parties to file various unredacted pleadings and confidential documents under seal. *See, e.g.*, Docket Text Orders entered May 20, 2009 and

June 17, 2009. Further, the protective order entered herein provides for the filing of confidential information and documents under seal.

3. Portions of Monsanto's Response quote from or paraphrase hearing transcripts which have been filed under seal, from deposition testimony that is designated Restricted Confidential under the protective order, or are documents designated Restricted Confidential. Therefore, the unredacted version of Monsanto's Response, and those attachments, should be sealed. Monsanto will also file a redacted copy of Monsanto's Statement in the public record.

WHEREFORE, Monsanto respectfully requests the Court enter an order allowing Monsanto to file Monsanto's Response to Defendants' Memorandum Regarding the ESI Stipulation ("Monsanto's Response"), consisting of 17 pages, and for leave to file a complete, unredacted copy of Monsanto's Statement, and certain attachments, under seal.

Dated: February 9, 2011

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 9th day of February, 2011, the foregoing was filed electronically with the Clerk of the Court for the United States District Court for the Eastern District of Missouri, Eastern Division, and was served by operation of that Court's electronic filing system, upon the following:

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